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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/602,748 06/24/2003 Katrina L. McClelland 15331 9994 37414 7590 07/14/2004 EXAMINER **CNH AMERICA LLC** NOVOSAD, CHRISTOPHER J INTELLECTUAL PROPERTY LAW DEPARTMENT ART UNIT PAPER NUMBER PO BOX 1895, MS 641 NEW HOLLAND, PA 17557 3671

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)		
Office Action Summary	10/602,748	MCCLELLAND E	MCCLELLAND ET AL.	
	Examiner	Art Unit		
	Christopher J. Nov			
The MAILING DATE of this communication ap Period for Reply	pears on the cover s	sheet with the correspondence a	ddress	
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a report of the period for reply specified above, the maximum statutory period facility of the period for reply within the set or extended period for reply will, by statuted any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however bly within the statutory minim will apply and will expire SI) e. cause the application to b	er, may a reply be timely filed um of thirty (30) days will be considered time X (6) MONTHS from the mailing date of this of	ely. communication.	
Status				
1) Responsive to communication(s) filed on	<u></u> .			
	— s action is non-final.			
3)☐ Since this application is in condition for allows	ance except for form	al matters, prosecution as to the	e merits is	
closed in accordance with the practice under				
Disposition of Claims				
4)⊠ Claim(s) <u>1-18</u> is/are pending in the application	1.			
4a) Of the above claim(s) is/are withdra		on.		
5) Claim(s) is/are allowed.				
6)⊠ Claim(s) <u>1-18</u> is/are rejected.				
7) Claim(s) is/are objected to.				
8) Claim(s) are subject to restriction and/o	or election requireme	ent.		
Application Papers				
9)☐ The specification is objected to by the Examine	er.			
10)☐ The drawing(s) filed on is/are: a)☐ acc		ted to by the Examiner		
Applicant may not request that any objection to the				
Replacement drawing sheet(s) including the correct		,	FR 1.121(d).	
11) The oath or declaration is objected to by the E				
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreigr a) All b) Some * c) None of:	n priority under 35 U	.S.C. § 119(a)-(d) or (f).		
1. Certified copies of the priority document	ts have been receive	ad		
Certified copies of the priority document				
3. Copies of the certified copies of the prior			Stane	
application from the International Burea			Clage	
* See the attached detailed Office action for a list		· e		
	·			
Attachment(s)				
1) Notice of References Cited (PTO-892)	4) 🗍 Into	erview Summary (PTO-413)		
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03/18/04</u>. 	Pa 5)	per No(s)/Mail Date tice of Informal Patent Application (PTC	D-152)	
S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office Ac	ction Summary	Part of Paper No./Mail	Date 071204	

Application/Control Number: 10/602,748

Art Unit: 3671

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lorenz.

Note Figs. 1 and 2 and the disclosure in col. 3, lines 5-8.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldman et al.

Note Figs. 9 and 10.

Application/Control Number: 10/602,748

Art Unit: 3671

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelley et al.

Note Fig. 4.

Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Grigg.

Note Figs. 1 and 2.

Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sartler et al.

Note Fig. 14.

Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamen.

Note Figs. 1-4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/602,748

Art Unit: 3671

Page 4

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Novosad

Primary Examiner

Art Unit 3671

July 12, 2004